

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KEVIN WATSON,)	
)	
Petitioner,)	Civil Action No. 2:20-cv-382
)	
v.)	Judge Robert J. Colville
)	Magistrate Judge Lisa Pupo Lenihan
ORLANDO HARPER and U.S.)	
MARSHALLS,)	
)	
Respondents.)	

ORDER OF COURT

Before the Court is the Petition for Writ of Habeas Corpus (ECF No. 8) filed by Petitioner Kevin Watson. On June 2, 2020, Magistrate Judge Lisa Pupo Lenihan issued a Report and Recommendation (ECF No. 9) in which she recommended that the Court dismiss the Petition for Writ of Habeas Corpus and deny a certificate of appealability.

Petitioner filed timely Objections (ECF No. 10) to the Report and Recommendation on June 11, 2020. The district court must make a *de novo* determination of those portions of the Report and Recommendation to which objections are made. 28 U.S.C. § 636(b)(1)(C); *see also Henderson v. Carlson*, 812 F.2d 874, 877 (3d Cir. 1987). This Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The district court judge may also recommit the matter to the magistrate judge with instructions.

Upon review of the June 2, 2020 Report and Recommendation and Petitioner's Objections, as well as a review of the entire record in this matter, it is hereby ORDERED as follows:

Petitioner's Objections to the Report and Recommendation are overruled and the Court approves and adopts Judge Lenihan's Report and Recommendation as the Opinion of the Court. The Petition for Writ of Habeas Corpus is DISMISSED. The Court finds that, because jurists of

reason would not find it debatable whether Petitioner's claims should be dismissed, Petitioner is not entitled to the issuance of a certificate of appealability. The denial of a certificate of appealability does not prevent Petitioner from appealing the order denying his petition so long as he seeks, and obtains, a certificate of appealability, from the court of appeals. *See Fed.R.App.P. 22(b)(1), (2).* The Clerk of Court shall mark this case CLOSED.

BY THE COURT:

/s/ Robert J. Colville
Robert J. Colville
United States District Judge

Dated: July 9, 2020

cc/ecf: All counsel of record

Kevin Watson
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